IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

OP.No. 2972 of 2003(D)

PETITIONER:

K.V.RAMAN PILLAI, AAGED 53 YEARS,
S/O. VELUKUTTY, PERINGANAM HOUSE, MUNNAD P.O.,
CHENGALA (VIA), KASARGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.T.P.ELDHO

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF TAXES, THIRUVANANTHAPURAM.

2. THE ASSISTANT EXCISE COMMISSIONER,
KASARAGOD.

3. THE TAHSILDAR (R.R), KASARAGOD.

4. KASARAGOD TALUK KALLU CHETHU VYAVASAYA
THOZHILALI CO-OPERATIVE SOCIETY LTD.(NO.S.311),
REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.5372/2003 IN O.P.NO.2972/2003

DISMISSED.

7-2-2007 SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE JUDGMENT DATED 2-9-2001 IN O.P.NO.17520 OF 2001

EXT.P2. TRUE COPY OF THE NOTICE NO.KS7-615/2002 DATED 15-4-2002 TO THE PETITIONER.

EXT.P3. TRUE COPY OF THE REPLY DATED 23-5-2002

EXT.P4. TRUE COPY OF THE DEMAND NOTICE DATED 2-7-2002

EXT.P4(a) TRUE COPY OF THE ATTACHMENT NOTICE DATED 2-7-2002

EXT.P5. TRUE COPY OF THE LETTER DATED 11-7-2002

EXT.P6. TRUE COPY OF THE ATTACHMENT ORDER DATED 24-8-2002

EXT.P7. TRUE COPY OF THE REPRESENTATION ON 12-11-2002 BEFORE THE DISTRICT COLLECTOR, KASARGOD.

EXT.P8. TRUE COPY OF THE SALE NOTICE ON 23-12-2002

EXT.P9. TRUE COPY OF THE FORM NO.10

EXT.P10. TRUE COPY OF THE ORDER DATED 20-11-2002 IN C.M.P.NO.58589 OF 2002

/ TRUE COPY /

KURIAN JOSEPH, J.

O.P.No.2972 Of 2003

Dated this the 7th day of February, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

> i. issue a writ of certiorari or any other appropriate writ or order quashing Exts.P2, P4, P4(a), P6 and P8.
>
> ii. declare that the petitioner is not personally liable for the amount due from the 4th respondent, if any, and property belong to the petitioner is not liable to be attached and sold for such liabilities.

Inviting reference to the Bench decision of this court in Suseelan v.State of Kerala, 2002 (1) KLT 226, it is submitted that the petitioner has no personal liability. There will be a direction to the 3rd respondent to look into Ext.P7 with notice to the petitioner and the second and fourth respondents and take appropriate action in the light of the above judgment within a period of four months from the date of receipt of a copy of this judgment. The interim order in C.M.P.No.5372/2003 will continue till such time.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.2972/2003

JUDGMENT

7th February, 2007